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Filed : December 27, 2001

AMENDMENTS TO THE CLAIMS

1-21. (Canceled).

22. (Currently amended) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

- (a) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~
- (b) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~
- (a)(e) the nucleic acid sequence of SEQ ID NO:1;
- (b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.

23. (Currently amended) The isolated nucleic acid of Claim 22 having at least 85% nucleic acid sequence identity to:

- (a) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~
- (b) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~

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(a)(e) the nucleic acid sequence of SEQ ID NO:1;
(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.

24. (Currently amended) The isolated nucleic acid of Claim 22 having at least 90% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;
(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;

(a)(e) the nucleic acid sequence of SEQ ID NO:1;
(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

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wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

25. (Currently amended) The isolated nucleic acid of Claim 22 having at least 95% nucleic acid sequence identity to:

- (a) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~
- (b) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~
- (c)(e) the nucleic acid sequence of SEQ ID NO:1;
- (b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or
- (c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or
- (d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

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~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

26. (Currently amended) The isolated nucleic acid of Claim 22 having at least 99% nucleic acid sequence identity to:

- (a) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~
- (b) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~
- (a)(e) ~~the nucleic acid sequence of SEQ ID NO:1;~~
- (b)(d) ~~the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or~~
- (c)(e) ~~the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or~~
- (d) ~~the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;~~

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO: 1 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

~~wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

27. (Currently amended) An isolated nucleic acid comprising:

- (a) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;~~
- (b) ~~a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;~~
- (a)(e) ~~the nucleic acid sequence of SEQ ID NO:1;~~

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(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2.

28. (Canceled).

29. (Canceled).

30. (Canceled).

31. (Canceled).

32. (Previously presented) The isolated nucleic acid of Claim 27 comprising the nucleic acid sequence of SEQ ID NO:1.

33. (Previously presented) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1.

34. (Previously presented) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203538.

35. (Currently amended) An isolated nucleic acid that hybridizes to:

(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2;

(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:2, lacking its associated signal peptide;

(a)(e) the nucleic acid sequence of SEQ ID NO:1;

(b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1; or

(c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203538; or

(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2;

wherein said hybridization occurs under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1%

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sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C;

and wherein said isolated nucleic acid is at least 200 nucleotides in length.

~~and wherein said isolated nucleic acid is overexpressed in lung or colon tumor, or wherein said isolated nucleic acid encodes a polypeptide that is overexpressed in lung or colon tumors.~~

36. (Canceled).

37. (Currently amended) The isolated nucleic acid of Claim 35 which is at least 10 400 nucleotides in length.

38. (Previously presented) A vector comprising the nucleic acid of Claim 22.

39. (Previously presented) The vector of Claim 38, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

40. (Previously presented) A host cell comprising the vector of Claim 38.

41. (Previously presented) The host cell of Claim 40, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.

42. (New) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:1, lacking the coding region for the signal peptide of the polypeptide of SEQ ID NO:2.